GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVANTS – Prohibition and Excise Department – Allegation of grant of Event Permission on 13-04-2019 at Viswanadha Beach front, Rushikonda, Visakhapatnam – Violation of Guidelines and Model Code of Conduct (MCC) of General Elections 2019 – Disciplinary action against Sri B.Subba Rao, the then Prohibition & Excise Superintendent, (U/s) Gajuwaka, Visakhapatnam – Common disciplinary proceedings were initiated under Rule 24 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Articles of charge framed - Orders – Issued.

REVENUE (VIGILANCE-IV) DEPARTMENT

G.O.RT.No. 1043 **Dated: 17-10-2019**

G.O.Ms.No.436, Revenue (Vigilance-IV) Department, dated:17-10-2019.

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ORDER:

In continuation to the orders issued in the reference read above, it is considered necessary to hold an enquiry against Sri B.Subba Rao, the then Prohibition & Excise Superintendent, (U/s) Gajuwaka, Visakhapatnam in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct and misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I), the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure- III&IV).

3. Sri B.Subba Rao, the then Prohibition & Excise Superintendent, (U/s) Gajuwaka, Visakhapatnam, is directed to submit written statement of his defence within 10 days after receipt of this order.

4. Sri B.Subba Rao, the then Prohibition & Excise Superintendent, (U/s) Gajuwaka, Visakhapatnam is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri B.Subba Rao, the then Prohibition & Excise Superintendent, (U/s) Gajuwaka, Visakhapatnam is further informed that if he does not submit his written statement of defence on or before the date specified in para (3) above, further action will be processed based on the material available.

6. Attention of Sri B.Subba Rao, the then Prohibition & Excise Superintendent, (U/s) Gajuwaka, Visakhapatnam is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rule, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his services under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Sri Sri B.Subba Rao, the then Prohibition & Excise Superintendent, (U/s) Gajuwaka, Visakhapatnam is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To
Sri B.Subba Rao, the then Prohibition & Excise Superintendent, (U/s) Gajuwaka,
Visakhapatnam (Through Commissioner of Prohibition & Excise, Andhra Pradesh,
Vijayawada with a request to serve the article of charges to the individual and furnish
served copy with dated signature for record).
The Commissioner, Prohibition & Excise Department, Andhra Pradesh,
Vijayawada.
The Deputy Commissioner, Prohibition & Excise Department, Visakhapatnam.
SC/Sf

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE – I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAISNT SRI B. SUBBA RAO, THE THEN P&ES, GAJUWAKA VISAKHAPATNAM DISTRICT (UNDER SUSPENSION)

Sri B. Subba Rao, Prohibition & Excise Superintendent (U/s), S/o B. Ramaiah is a native of Guntur District. His date of birth is 01.04.1982. He joined in Government Service as AP&ES on 07.05.2012 in Visakhapatnam District and on promotion to the cadre of Prohibition & Excise Superintendent he joined as Prohibition & Excise Superintendent, Gajuwaka, Visakhapatnam District on 06.10.2018 and worked there till he was placed under suspension on 28.08.2019. His date of retirement on attaining the age of superannuation is on 31.04.2042. He is herein referred as Charged Officer.

Article of Charge – I

Sri B. Subba Rao, Prohibition & Excise Superintendent (U/s), while working as Prohibition & Excise Superintendent, Gajuwaka, Visakhapatnam District being a uniformed Government Servant committed grave misconduct by grant of Event Permit Licensee on 13.04.2019 at Vishwanadh Beach Front, Rushikonda, Visakhapatnam District, while Model Code of Conduct was in force, which is a serious negligence, criminal misconduct and dereliction of duty.

Thus, Sri B. Subba Rao, Prohibition & Excise Superintendent, (U/s), by his above mentioned acts has exhibited lack of integrity, devotion to duty, discipline and sense of propriety thereby contravened Rule 3(1) of Andhra Pradesh Civil services (Conduct) Rules, 1964.

Article of Charge - II:

That the uniformed Government Servant being the head of the excise unit and who is suppose to prevent the supply and consumption of narcotic drugs, miserably failed to detect the narcotic drugs which was supplied in the rave party organized in his jurisdiction on 13.04.2019, thereby he violated Rule 3(3) of Andhra Pradesh Civil services (Conduct) Rules, 1964 as he acted in a manner which placed his official position under embarrassment.

Article of Charge - III:

That the uniformed Government Servant, being the head of the excise unit failed to implement the instructions of the Superior Officers regarding implementation of Model Code of Conduct during General Elections 2019, thereby he violated Rule 3(2) of Andhra Pradesh Civil services (Conduct) Rules, 1964 as he behaved in a manner which is unbecoming of Government servant.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAISNT SRI B. SUBBA RAO, THE THEN P&ES, GAJUWAKA VISAKHAPATNAM DISTRICT.

The Commissioner, Prohibition & Excise has issued certain guidelines in the Action Plan for General Elections 2019 to field officers at page No.22, Point No 12-h that “No Event Permit Licenses will be granted during the operation of the Model Code of Conduct”. While, the Model Code Conduct is in force, the SHO, Pendurthi has recommended the application of event permission pertaining to the M/s Viswanadham Beach Front, Rushikonda, Visakhapatnam and subsequently the Prohibition & Excise Superintendent, Gajuwaka granted event permission on 13.04.2019 in the name of hosting Dinner with liquor to the guests; it caused to some narcotic drugs were supplied to the participants.

The Commissioner of Police, Visakhapatnam has reported that a case was registered at Arilova Police station, Dwaraka Sub-Division, Vishakhapatnam city in Cr. No.133/2019 U/s 21(a) of NDPS ACT for some narcotic drug peddling in the rave party at Vishwanadh beach front, Rushikonda, Visakhapatnam on 13.04.2019 that on investigation it was revealed that the organizer conducted rave party by obtaining Event permission on 13.04.2019 at Vishwanadh beach front, Rushikonda, Visakhapatnam, in the name of hosting Dinner with liquor to the guests, from the Prohibition and Excise Superintendent, Gajuwaka in violation of the guidelines issued by the Commissioner of Prohibition and Excise and also violated the Model Code of Conduct of General Elections 2019.

Similarly the Collector & District Election Officer, Visakhapatnam also reported that the uniformed Government servant has violated Model code of conduct by granting even Permit.

The Commissioner of Prohibition and Excise has conducted enquiry into the above incident by appointing Joint Commissioner (Distilleries), O/o Commissioner, Prohibition & Excise, Andhra Pradesh, Vijayawada. The Enquiry Officer has conducted detailed enquiry and submitted report stating among other things that the role of Prohibition & Excise Superintendent, who is Licensing Authority for grant of event permit place a vital role in the whole issue of granting of event permit. The Prohibition & Excise Superintendent is aware of the Model Code of Conduct and being the head of the Gajuwaka Excise Unit has miserably failed in execution of both, the action plan during MCC given by the Commissioner, Prohibition & Excise, as well as District Action Plan given by the Deputy Commissioner of Prohibition and Excise, Visakhapatnam, where it has been specifically emphasized that no Event permit shall be granted during the MCC is in force. The Prohibition & Excise Superintendent being the Head of the Excise Unit is directly responsible for enforcing the Law and implementation of rules in his jurisdiction in safeguarding the interest of the Government and also holds the whole responsibility in following the instructions of the Commissioner issued with regard to Excise Administration from time to time. The entire proposes of granting the Event permit was done in a single day i.e., on 13.04.2019.

Thus, Sri B.Subba Rao, Prohibition & Excise Superintendent, Gajuwaka, Visakhapatnam (Under Suspension) by his above mentioned acts has exhibited lack of integrity, devotion to duty, discipline and sense of propriety thereby contravened Rule 3 of Andhra Pradesh Civil services (Conduct) Rules, 1964. Hence the Articles of Charge.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

SECTION OFFICER

ANNEXURE – III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI B. SUBBA RAO, THE THEN P&ES, GAJUWAKA, VISAKHAPATNAM DISTRICT (UNDER SUSPENSION) ARE PROPOSED TO BE SUSTAINED.

1. C.No.88/Genl/DCP,L&O Zone-1/VSP city dt: 20.04.2019 of the Commissioner of police, Visakhapatnam.
2. File No. PE-ADMOEST (dpc)3/2019-JA (A)-DCP & EVSKP, Collector, Visakhapatnam, dt:22.04.2019.
3. Enquiry report submitted by the Inquiry Officer (JC (D), O/o CPE, AP, Vijayawada) dt: 07.05.2019.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

SECTION OFFICER

ANNEXURE – IV

LIST OF WITNESS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI B. SUBBA RAO, THE THEN P&ES, GAJUWAKA, VISAKHAPATNAM DISTRICT (UNDER SUSPENSION) ARE PROPOSED TO BE SUSTAINED.

NIL

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

SECTION OFFICER